

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CURTIS LEE HENDERSON,)
Plaintiff(s),) No. C07-2838 SBA (BZ)
v.)
J. PETERSON, et al.,) ORDER GRANTING PLAINTIFF'S
Defendant(s).) MOTION TO COMPEL

Plaintiff's motion to compel discovery of the financial information of the individual defendants is **GRANTED**.

The thrust of plaintiff's motion is that he is asserting a §1983 claim against the individual defendants for which punitive damages are available. Defendants do not dispute that Judge Armstrong has ruled that if plaintiff's allegations are believed, the trier of fact could conclude that defendants acted "maliciously and sadistically." (Document no. 117 @ 12:22-23).

Defendants resist providing financial information, relying on a variety of California privacy rules centering on California Civil Code §3295(c), which controls the timing of

1 the disclosure of financial information. Plaintiff is correct
2 that in a federal civil rights claim, §3295(c) does not
3 control. See e.g. Charles O. Bradley Trust v. Zenith Capital
4 LLC, 2005 WL 1030218 (N.D.Cal.); Vieste LLC v. Hill Redwood
5 Dev., 2011 WL 855831 (N.D.Cal.).

6 I am not unmindful that California residents have certain
7 privacy expectations founded on California law which federal
8 courts often balance in determining whether to produce
9 financial information. Here, the information is plainly
10 relevant to one of plaintiff's claims and defendant's privacy
11 concerns can largely be mitigated by having the information
12 produced pursuant to an appropriate protective order "for
13 attorney's eyes only." The information shall not be entered
14 into a computerized data base, unless ordered by the Court.

15 It is Therefore ORDERED that plaintiff's motion is
16 GRANTED. By June 6, 2011, each defendant shall produce,
17 pursuant to an appropriate protective order, information
18 sufficient to establish his net worth and financial condition.
19 If defendants timely comply with this Order, I see no need for
20 an extension of the discovery deadline. Therefore, that
21 motion (Doc. No. 170) is DENIED without prejudice to being
22 renewed if the discovery if not forthcoming.

23 Dated: May 18, 2011

24 
Bernard Zimmerman
25 United States Magistrate Judge

26 G:\BZALL\ -REFS\HENDERSON (R&R)\ORDER GRANTING PLTF'S MOTION TO COMPEL
27 FINANCIAL INFO.wpd